

REMARKS

Claims 44, 45, 47, 54, 55, 57, 58, 60, 61, and 63 are pending in this application, with claims 44 and 45 being the independent claims.

Claims 44, 45, 54, 55, 57, 58, 60, and 61 have been rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 8-12 of U.S. Patent No. 6,576,324. Claims 44, 45, 54, 55, 57, 58, 60, and 61 have also been rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5-7, and 13-15 of U.S. Patent No. 5,707,716. These rejections are respectfully traversed.

Without conceding the propriety of the rejections, and to expedite prosecution of the present application, Applicants submit herewith a Terminal Disclaimer over U.S. Patent No. 5,707,716 and a Terminal Disclaimer over U.S. Patent No. 6,576,324. **Authorization is hereby given to charge the terminal disclaimer fees to Deposit Account No. 06-1205.**

The filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870 (Fed. Cir. 1991). The filing of a terminal disclaimer serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection. *Id.*; M.P.E.P. § 804.02. Based upon the filing of the Terminal Disclaimers and accompanying fees, Applicants respectfully submit that the obviousness-type double patenting rejections should be withdrawn.

Dependent claims 47 and 63 have been objected to as being dependent upon a rejected base claim but are considered by the Examiner to contain allowable subject matter. Applicants

submit that since the rejections of the base claims have been obviated, claims 47 and 63 are in condition for allowance.

In view of the above, Applicants submit that this application is in condition for allowance. Early notification of allowance is respectfully requested.

Applicants' undersigned attorney may be reached in Washington, D.C. by telephone at (202) 530-1010. All correspondence should continue to be directed to the address given below.

Respectfully submitted,

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